

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:

MERCY HOSPITAL, IOWA CITY, IOWA,
et al.,

Debtors.

Chapter 11 Bankruptcy
Case No. 23-00623

MOTION TO EXTEND TIME

COMES NOW Dan R. Childers, in his sole capacity as Trustee of the Mercy Hospital Liquidation Trust, and in support of this Motion respectfully states:

1. At the time of the filing of the original Chapter 11 Petition by the Debtors, there existed a Pension Plan, in favor of approximately 1,000 retirees and pensioners of the Debtors.
2. The Pension Plan was then and has since been under-funded.
3. Eventually, this Court did appoint a Pensioners Committee, which served and represented the interests of various pensioners.
4. The Pension Committee was then dissolved, as a result of confirmation of the Chapter 11 Plan filed by the Debtors.
5. Meanwhile, pursuant to directive from this Court, various unsecured claimants filed Proofs of Claim with Epiq.
6. As of the filing of this Motion, a grand total of approximately 800 Proofs of Claim from claimants asserting General Unsecured Non-priority Claims (“GUNC”) have been filed with Epiq. Among these filed GUNCs were many claims filed by various pensioners, in various amounts and formats.

7. The deadline for the Trustee to object to GUNCs is, pursuant to Court order, March 24, 2025.

8. The Trustee posits the claims of the various pensioners should not have been asserted against the Debtors or their estate, or against the Trust, for the reason that the various claims of the pensioners should have been directed at the Pension Plan. In other words, the Pension Plan, and not the Debtors or their estate or the Trust, owes money to the GUNCs filed by the various pensioners.

9. Many of the pensioners have retired, and some are of advanced age, and most (if not all of them) were not represented by counsel, and some of them may not have access to e-mails or computers, or perhaps might not be physically able to deal with legal issues relating to the moneys that may be due them from the Pension Plan.

10. F.R.B.P. 3007 does permit the filing of Omnibus objections, in groups of 100 claims.

11. The Trustee and professionals engaged by him have concluded that if the Trustee were to issue Omnibus objections, the process will be cumbersome and expensive, and most importantly might generate even further confusion to the pensioners. Additionally, the Trustee is in the process of working with a group of pensioners who had engaged counsel. Recently, the Trustee has been attempting to work toward a resolution that will deal with the pension issues toward the most optimal result.

12. Pending the Trustee's continuing efforts at resolving pension issues, and in the interest of not causing any further confusion and also not expending resources, the Trustee seeks an order from this Court extending the time within which the Trustee must object to GUNCs filed by various pensioners to and including June 30, 2025. Again,

typically such an extension request should be noticed to the various claimants. However, given the circumstances, the Trustee submits his request for relief contained in this Motion does not need to be noticed to the various pensioners. Further, the Trustee anticipates there will not be any dividend issuance to GUNCs before June 2025, and so therefore any delay in resolution of the various GUNCs filed by the pensioners will not prejudice the pensioners.

WHEREFORE, the Liquidation Trustee respectfully prays this Court enter and enroll an Order granting the Trustee through and including June 30, 2025, to lodge an objection to any GUNCs filed by the pensioners, and for such other relief as may be just and proper under the premises.

/s/ Eric W. Lam

Eric W. Lam, AT0004416
SIMMONS PERRINE MOYER BERGMAN PLC
115 Third Street SE, Suite 1200
Cedar Rapids, IA 52401
Tel: 319-366-7641; Fax: 319-366-1917
elam@simmonsperrine.com
ATTORNEY FOR LIQUIDATION TRUSTEE

Certificate of Service

The undersigned certifies, under penalty of perjury, that on this 20th day of March, 2025, the foregoing document was electronically filed with the Clerk of Court using the Northern District of Iowa CM/ECF and the document was served electronically through the CM/ECF system to the parties of this case.

/s/ Kelly Carmichael